



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,060	04/02/2004	Richard J. Schneider	4164-292	2661
20575 7590 10/25/2007 MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204				
			EXAMINER PANDYA, SUNIT	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 10/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,060

Applicant(s)

SCHNEIDER, RICHARD J.

Examiner

Sunit Pandya

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/13/04, 9/30/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The examiner has accepted the Oath/Declaration filed by the applicant.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 7/13/04 and 9/30/04 are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 & 1.98. Accordingly, the examiner has considered the reference listed therein.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Baerlocher (US Patent Publication 2003/0060266).

Claims 1, 7: Baerlocher discloses of a gaming machine with a secondary game comprising accepting a wager, comparing the wager to a pre-selected wager threshold (or a trigger condition) and initiating the secondary (bonus) game when the accepted wager equals the pre-selected wager threshold (or a trigger condition) (0061-0062 & 0064).

Art Unit: 3714

Claim 2: Baerlocher discloses of accepting a wager to play the base (primary) game (0032).

Claims 3, 20: Baerlocher discloses initiating the secondary (bonus) game when the accepted wager equals the pre-selected wager threshold (0061-0062 & 0064).

Claim 4: Baerlocher discloses comparing the accepted wager to a maximum wager (0073).

Claim 5: Baerlocher discloses comparing the accepted wager to an amount less than a maximum wager (0067-0068).

Claim 8: Baerlocher discloses of a first indicator for primary game and a second indicator for a secondary game (0035-0037).

Claim 9: Baerlocher discloses of reel being an indicator (0032).

Claim 10: Baerlocher discloses of wheel being a second indicator (0032).

Claims 11, 13: Baerlocher discloses the prestored trigger being a wager type or amount (0061-0062).

Claim 12: Baerlocher discloses that the wager type is a maximum wager amount (0073).

Claim 14: Baerlocher discloses that the prestored trigger is a wager source (wherein the wager source is the source which evokes machine into action 0061-0062).

Claim 16: Baerlocher discloses of a gaming machine with a secondary game comprising accepting a wager on primary or base game, comparing the wager to a pre-selected wager threshold (or a trigger condition) and initiating the secondary (bonus) game when the accepted wager equals the pre-selected wager threshold (or a trigger

Art Unit: 3714

condition) (0061-0062 & 0064). Baerlocher also discloses of reporting the winning of each game back to the players to display the total winnings (0036, 0044).

Claims 17-19: Baerlocher discloses that the first outcome is the primary game outcome and secondary outcome is the secondary or bonus game outcome, and any combination thereof with the primary and the secondary game outcomes (0036-0044 & 000061-0065).

Claim 21: Baerlocher discloses of a server couple to plurality of gaming machines (0039). Baerlocher also discloses of a gaming machine with a secondary game comprising accepting a wager, comparing the wager to a pre-selected wager threshold (or a trigger condition) and initiating the secondary (bonus) game when the accepted wager equals the pre-selected wager threshold (or a trigger condition) (0061-0062 & 0064).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher as applied to claims above, and further in view of Feinberg (US Patent 5,910,048).

Art Unit: 3714

Claim 6: Baerlocher teaches of a gaming machine with a secondary game comprising accepting a wager, comparing the wager to a pre-selected wager threshold and initiating the secondary (bonus) game when the accepted wager equals the pre-selected wager threshold (0061-0062 & 0064), however Baerlocher fails to teach a player tracking card, used by the player during the game play.

Feinberg teaches of player tracking card, which is inserted into the gaming machine, wherein the gaming machine, includes a play counter, which tracks the amount of money paid into the slot machine by the player (col. 3: 41-46). It would have been obvious for one with ordinary skill in the art at the time of the invention to have modified Baerlocher to include a player tracking card, which tracks the amount of money paid into the gaming machine by the players, to track the amount played by the player (col. 1: 50-52)

Claim 15: Feinberg teaches that the wager source is a player-tracking card (col. 3:42-50).

Examiner's Note

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as

Art Unit: 3714

well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of References cited page.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP


Robert Pezzuto
Supervisory Patent Examiner
3714